

REMARKS

The Examiner is thanked for his office action of December 18, 2008. In that office action, he rejected all the claims as anticipated by Jaynes (5,504,302). Claims 1 and 3 have been amended to better reflect the invention and remove and “intended function” language that is objectionable to the Examiner (in claims 1, 3, 9-11). Additionally, claims 4-11 now reflect a proper dependencies. For the reasons stated below, the rejections are now improper, especially in view of the clarified claims.

102 rejection

The examiner rejected claims 1-3 under 35 USC 102 as anticipated by Jaynes. This is erroneous, because Jaynes does not show a handrail **for a tarpaulin**. The Examiner has not addressed this particular issue as the tarpaulin is a vital feature of claims 1-3 (and dependent claims) and he may not have thought the language of the claims required examination of this feature. Claims 1 and 9 have once again been amended to clarify this feature, which is not shown in Jaynes. Once again, Jaynes teaches a lighted handrail fasted **directly** to the hull or other solid surface of the boat and thus cannot anticipate the vital feature of claims 1, 3, 7 and 9 (and the dependent claims). Because the “intended function” language, as interpreted by the Examiner, has been removed from the claims, Jaynes is not an appropriate reference.

Conclusion

Claims 1-11 are pending in the application. Claims 1-11 are believed to be allowable over the cited prior art as none of the cited prior art teaches a handrail (and the various components) attached to the **tarpaulin**.

Should the Examiner believe that an in-person or telephonic conference would expedite prosecution of this application, he is invited to contact the Applicant’s counsel at the number listed below.

The Commissioner is authorized to charge deposit account 50-3068 in the amount of \$245 for a two-month extension and \$405 for the Request for Continued Examination (for a total of \$650).

Respectfully submitted,
Dort Patent, P.C.



David Bogart Dort
Reg. No. 50,213